

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PRENTIS CORDELL JACKSON,

Civil No. 09-845 (JRT/AJB)

Petitioner,

v.

ORDER

JOAN FABIAN, Minnesota
Commissioner of Corrections,

Respondent.

Prentis Cordell Jackson, # 221762, Minnesota Correctional Facility, 5329 Osgood Avenue North, Stillwater, MN 55082, petitioner *pro se*.

Matthew Frank, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1800, St. Paul, MN 55101; Michael K. Walz, **HENNEPIN COUNTY ATTORNEY'S OFFICE**, 300 South Sixth Street, Suite A-2000, Minneapolis, MN 55487, for respondent.

On March 8, 2010, this Court filed an order denying petitioner Prentis Cordell Jackson's petition for habeas corpus. (Docket No. 21.) This case is now before the Court on Jackson's request for extension of time to file a notice of appeal of the Court's March 8 order. (Docket No. 23). Jackson's request is dated April 6, 2010, postmarked April 9, 2010, and was filed on April 12, 2010.

In a civil case, a notice of appeal "must be filed with the district clerk within 30 days after the judgment or order appealed from is entered." Fed. R. App. P. 4(a)(1)(A). The Court may grant a party's request to extend the time to file a notice of appeal if (1) "a party so moves no later than 30 days after the time prescribed by Rule 4(a) expires,"

and (2) “regardless of whether [a party’s] motion is filed before or during the 30 days after the time prescribed by [] Rule 4(a) expires, that party shows excusable neglect or good cause.” *Id.* 4(a)(5)(A)(ii).

Jackson—an inmate at the Minnesota Correctional Facility-Oak Park Heights—claims that he was unable to timely file an appeal of the Court’s March 8 order “due to Reasons out of [his] Control [including] unscheduled[d] lockdowns, Modified lockdowns etc[.]” (Docket No. 23.) Jackson asks for “A few more days” to file his notice of appeal. (*Id.*) Here, the Court finds that Jackson has at least demonstrated the requisite good cause to grant his request to extend the time to file a notice of appeal.

Based on the foregoing, all the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Petitioner’s Request for Extension of Time to File Notice of Appeal [Docket No. 23] is **GRANTED**.

2. Pursuant to Rule 4(a)(5)(C) of the Federal Rules of Appellate Procedure, petitioner has fourteen (14) days after the date of this Order to file his appeal.

DATED: April 19, 2010
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge